IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE V.V.S.RAO
WRIT PETITION NO : 25414 of 2001

Between:

I.Rajagopal rao S/o. Late Adinarayana, Hindu
R/o.SSR Peta, Gorla Mandalam
Vizianagaram district.

..... PETITIONER

AND

1 District Level Committee for sand auctions, rep. by its Chairperson, Vizianagaram.
2 District Collector (Panchayat Wing) Vizianagaram District.
3 District Panchayat Officer and Member Convenor, District Level Committee for sand auction Vizianagaram.
4 Lanka Appala Naidu, S/o.Late Papinaidu, Denkada Village and Mandal, Vizianagaram District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of a Writ of Mandamus declaring the action of the Respondents 1 to 3 herein in not initiating any action against the 4th Respondent who is conducting sand quarrying operations illegally in adjacent private patta lands in clear violation of the settled law and also the rules in force as highly illegal, arbitrary and in violative of Principles of natural justice.

Counsel for the Petitioner:MR.V.RAJAGOPAL REDDY

Counsel for the Respondent Nos. 1 to 3.: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for the Respondent No.4: ---

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.25414 OF 2001

ORDER:

The petitioner claims to be lessee of water courses vested in Nellimerla Gram Panchayat. It is his grievance that fourth respondent, who is lessee of the right to quarry sand in Denkada Gram Panchayat is resorting to illegal quarrying of sand in private patta lands in violation of rules and the judgment of this Court in **Bheemagari Bhaskar v. Revenue Divisional Officer, Bhongir**[1]. He filed the Writ Petition seeking appropriate orders to respondents 1 to 3 to take action against fourth respondent.

The Writ Petition was admitted on 17.4.2002 and *rule nisi* has been duly served on the respondents. None of the respondents has filed any counter affidavit. Therefore, instead of keeping the Writ Petition pending, the Writ Petition is disposed of directing the District Panchayat Officer, third respondent herein, to conduct enquiry into the matter and prevent the fourth respondent from quarrying sand in patta lands. If any quarrying is being done, third respondent may report the matter to the concerned officials of Department of Mines and Geology, who shall take appropriate action in accordance with Mines and Minerals (Development and Regulation) Act, 1957, and A.P. Minor Mineral Concession Rules, 1966, within a period of eight weeks from the date of receipt of a copy of this order.

With the above observations and directions, the Writ Petition is disposed of. No costs.

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(V.V.S.RAO, J)

8.9.2004

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To

1 The Chairperson, District Level Committee for sand auctions,
Vizianagaram.
2 District Collector (Panchayat Wing)
Vizianagaram District.
3 District Panchayat Officer and Member Convenor,
District Level Committee for sand auction
Vizianagaram.
4 2 CCs to the G.P. for Panchayat Raj & Rural Development,
High Court Bldgs., Hyderabad (OUT)
5 2 CD copies.

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[1] 2002 (1) ALT 159 = 2001 (5) ALD 277 (DB)